

REMARKS

In the December 3, 2003 Office Action, the Examiner objected to Claim 1 based on an informality. The Examiner also rejected Claims 1-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,755,709 ("Cuppy"). Applicants request that the Examiner reconsider the rejections set forth in the Office Action in light of the following discussion.

Claim Objections

The Examiner objected to Claim 1 based on an informality. The Applicants have amended Claim 1 to effect a suitable editorial revision that removes the informality.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by a catheter system disclosed in Cuppy. Applicants have amended Claim 1 to recite that the device is operable in connection with an infusion device, where the device includes a connector projecting forwardly from the housing and circumscribing the needle for coupling with the infusion device. Cuppy does not teach a device with a connector projecting forwardly from the housing and circumscribing the needle for coupling with a second infusion device. Instead, Cuppy teaches an over-the-needle type catheter (12) and a safety tube (16), with no connector disposed over the needle to couple the assembly to an infusion device. A mechanism for connecting

the device to an infusion device is a significant advance that permits a plurality of infusion devices to be interconnected with a catheter to supply fluid from a plurality of fluid supplies to the catheter. (See Applicants' Specification, p. 4 lines 19-35.) Therefore, the subject matter of amended Claim 1 is not taught by Cuppy.

Claims 2-5 are dependent on amended Claim 1 and incorporate all the features recited in amended Claim 1. Therefore, Claims 2-5 are allowable over Cuppy for at least the same reason that amended Claim 1 is allowable. Claims 2-5 have been amended solely to bring the claim language into conformity with the revised language in amended Claim 1.

Claims 6-9 are directed to a medical device having a needle fixedly connected to a Y-port, a biasing element biasing the Y-port rearwardly, and an actuator operable to release the Y-port so that the biasing element propels the Y-port rearwardly. Cuppy does not teach a needle fixedly connected to a Y-port and a biasing element and actuator that cooperate to propel the Y-port rearwardly. The catheter housing (28), which the Examiner characterizes as the Y-port, is detached from the needle. In addition, the compression spring (62) only propels the needle rearwardly, not the catheter housing or Y-port. As a result, Claims 6-9 are not anticipated by Cuppy, and the Examiner is respectfully requested to reconsider the rejections of Claims 6-9.

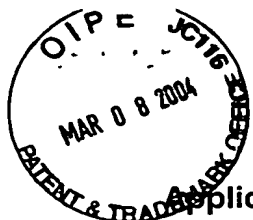
Claim 10 recites a lever that engages the catheter and is pivotable between a locked and an unlocked position wherein the lever engages the catheter, preventing the lever from being displaced into the unlocked position. Further, in the locked

position, the lever retains the needle in the extended position against the bias of the biasing element.

Nothing in the Cuppy references teaches or suggests the features of a device having a lever that engages a catheter and is operable to retain the needle against the bias of the biasing element. In contrast, the device in Cuppy utilize a push button latch that is manually depressed to release the needle. Further still, in Cuppy, removing the catheter from the device has no influence on the operation of the latch that retains the needle. Accordingly, Cuppy does not teach or suggest the features of claim 10 and dependent claims 11-14, 16 and 17.

Conclusion

In light of the foregoing claim amendments, new claims and remarks, the Applicants believe that the claims of the present application are in condition for allowance. The Examiner is respectfully requested to reconsider the present application. If upon reconsideration, the Examiner believes that issues remain regarding the allowability of the claims of this application, the Examiner is encouraged to contact the Applicants' undersigned attorney at the telephone number listed below.



Application No. 09/786,398
Docket No. 1032-P01698

Examiner Manuel A. Mendez
Art Unit 3763

Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this Response and accompanying papers are being deposited on March 3, 2004 with the United States Postal Service as first-class mail in an envelope properly addressed to Commissioner for Patents, Alexandria, VA 22313-1450.

March 3, 2004
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Stephen Eland

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